

1 THE HONORABLE JOHN C. COUGHENOUR
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 FRANCISCO JAVIER CARRILLO,

CASE NO. C22-0990-JCC

10 Petitioner,

MINUTE ORDER

11 v.

12 UNITED STATES OF AMERICA,

13 Respondent.

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15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Petitioner's 28 U.S.C. § 2255 Motion (Dkt. No.
18 1). Applications for a writ of habeas corpus must be signed under penalty of perjury or by a
19 person authorized to sign it for the movant. Rule 2(b)(5) of the Rules Governing Section 2255
20 Proceedings for the United States District Courts. Here, Petitioner has not signed the motion at
21 all. Therefore, before the Court addresses the merits of the motion, the petitioner is given twenty-
22 one (21) days from the date this order is posted to refile the § 2255 motion in compliance with
23 the rules. If Petitioner does not satisfy this requirement, the Court may summarily dismiss the
24 motion as defective. *See McFarland v. Scott*, 512 U.S. 849, 856 (1994) ("Federal courts are
25 authorized to dismiss summarily any habeas petition that appears legally insufficient on its
26 face."); *Kafo v. United States*, 467 F.3d 1063, 1065–67 (7th Cir. 2006) (affirming the approach

1 of dismissing a § 2255 motion as “insufficient because it was not submitted under oath,” but only
2 after giving petitioner “an opportunity to file such a verified pleading”).

3 It is thus ORDERED that within 21 days of this order, Plaintiff must refile his § 2255
4 motion signed under penalty of perjury.

5 DATED this 3rd day of March 2023.

6 Ravi Subramanian
Clerk of Court

7 s/Samantha Spraker
8 Deputy Clerk